

# House File 786 - Introduced

HOUSE FILE 786  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HF 637)

## A BILL FOR

1 An Act relating to the assessment of fees when a person  
2 requests examination and copying of public records.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.3, Code 2021, is amended to read as  
2 follows:

3 **22.3 Supervision — fees.**

4 1. The examination and copying of public records shall  
5 be done under the supervision of the lawful custodian of the  
6 records or the custodian's authorized designee. The lawful  
7 custodian shall not require the physical presence of a person  
8 requesting or receiving a copy of a public record and shall  
9 fulfill requests for a copy of a public record received in  
10 writing, by telephone, or by electronic means. ~~Fulfillment~~  
11 Although fulfillment of a request for a copy of a public  
12 record may be contingent upon receipt of payment of reasonable  
13 expenses to be incurred in fulfilling the request and, the  
14 lawful custodian shall make every effort to provide the public  
15 record requested at little or no cost. In the event additional  
16 expenses are necessary, such estimated expenses shall be  
17 reasonable and communicated to the requester upon receipt of  
18 the request. Any estimated expenses in excess of five hundred  
19 dollars creates a rebuttable presumption that such expenses  
20 are not reasonable and a requester may seek relief as provided  
21 in section 23.5. The prevailing party in such an action may  
22 be awarded reasonable attorney fees. The lawful custodian may  
23 adopt and enforce reasonable rules regarding the examination  
24 and copying of the records and the protection of the records  
25 against damage or disorganization. The lawful custodian shall  
26 provide a suitable place for the examination and copying of the  
27 records, but if it is impracticable to do the examination and  
28 copying of the records in the office of the lawful custodian,  
29 the person desiring to examine or copy shall pay any necessary  
30 expenses of providing a place for the examination and copying.  
31 2. All reasonable expenses of the examination and copying  
32 shall be paid by the person desiring to examine or copy. The  
33 lawful custodian may charge a reasonable fee for the services  
34 of the lawful custodian or the custodian's authorized designee  
35 in supervising the examination and copying of the records,

1 not to exceed fifteen dollars per hour. If copy equipment  
 2 is available at the office of the lawful custodian of any  
 3 public records, the lawful custodian shall provide any person  
 4 a reasonable number of copies of any public record in the  
 5 custody of the office upon the payment of a fee. The fee for  
 6 the copying service as determined by the lawful custodian shall  
 7 not exceed the actual cost of providing the service. Actual  
 8 costs shall include only those reasonable expenses directly  
 9 attributable to supervising the examination of and making  
 10 and providing copies of public records. Actual costs shall  
 11 not include charges for ordinary expenses or costs such as  
 12 employment benefits, depreciation, maintenance, electricity,  
 13 or insurance associated with the administration of the office  
 14 of the lawful custodian. Costs for legal services should only  
 15 be utilized for the redaction or review of legally protected  
 16 confidential information. However, a county recorder shall  
 17 not charge a fee for the examination and copying of public  
 18 records necessary to complete and file claims for benefits with  
 19 the Iowa department of veterans affairs or the United States  
 20 department of veterans affairs.

## EXPLANATION

22           The inclusion of this explanation does not constitute agreement with  
 23           the explanation's substance by the members of the general assembly.

24       This bill relates to fees associated with public records  
 25 requests.

26       The bill provides that the lawful custodian of a public  
 27 record shall make every effort to provide a public record  
 28 requested at little or no cost. In the event additional  
 29 expenses are necessary, such expenses shall be reasonable and  
 30 communicated to the requester upon receipt of the request.  
 31 Any estimated expense in excess of \$500 creates a rebuttable  
 32 presumption that such expenses are not reasonable. A requester  
 33 may seek relief as provided in Code section 23.5 and a  
 34 prevailing party in such an action may be awarded reasonable  
 35 attorney fees.

1     The bill provides that the fees charged for supervising  
2 the examination and copying of public records by the lawful  
3 custodian shall not exceed \$15 per hour. Costs for legal  
4 services shall only be utilized for the redaction or review of  
5 legally protected confidential information.